

Action be issued in connection with this matter.

Furthermore, as can be seen from the foregoing amendments, new claims 38 and 39 have been added which are previous dependent claims 4 and 14 rewritten in independent form. Accordingly, it is respectfully submitted that these claims clearly distinguish over the prior art of record and are in proper condition for allowance.

Referring now to paragraph 4 of the Office Action, claim 15 has been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,573,501 issued to Ruscito et al. As can be seen from the foregoing amendments, claims 15, 17, 18 and 24-27 have been canceled and consequently, further discussion with respect thereto is no longer believed to be warranted. Applicants reserve the right to pursue these claims by way of a divisional application.

Referring now to page 2 of the Office Action, claim 1 and presumably claims 2, 3, 9 and 10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the Ruscito et al. reference. This rejection is respectfully traversed in that the patent to Ruscito et al. neither discloses nor remotely suggests that which is presently set forth by Applicants' claimed invention.

As is specifically recited by Applicants' claimed invention, a method of forming a natural foot or orthosis is set forth including the specific steps of forming a positive mold of a lower extremity, positioning a thermoformable plastic around predetermined locations of the positive mold for providing increased support for the natural foot orthosis at set

predetermined locations, wrapping a thermoformable plastic sheet around said positive mold and said thermoformable material and subsequently vacuum sealing the thermoformable plastic sheet around said positive mold so that said thermoformable plastic sheet and thermoformable plastic material bond together. These particular manipulative steps are clearly neither disclosed in nor remotely suggested by the Ruscito et al. reference.

In rejecting Applicants' claimed invention, the Examiner states that Ruscito et al. discloses wrapping a thermoformable plastic sheet around the positive mold and vacuum sealing the thermoformable sheet around the mold so that the thermoformable plastic material and sheet bond together. However, this is clearly not the case. As is specifically recited in column 5, lines 55+, the orthotic set forth by Ruscito et al. does not wrap a thermoformable plastic sheet of material around the positive mold but forms a tubular mechanism such that a pourable plastic polyester resin or epoxy resin can be introduced into the tube and with the application of a vacuum the plastic polyester or epoxy resin is worked down over and into the multi fabric layers which are previously applied to the mold. Clearly, this reference fails to disclose or remotely suggest that which is presently set forth by Applicants' claimed invention. Specifically, the Ruscito et al. reference fails to disclose or suggest positioning a thermoformable plastic material around predetermined locations of the positive mold and subsequently wrapping a thermoformable plastic sheet around the positive mold such that the thermoformable plastic sheet and the thermoformable plastic material bond together. Quite the contrary, the Ruscito et al. reference provides strips which are covered by a fabric such

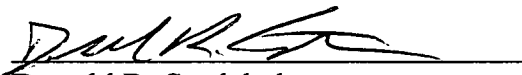
as nylon stocking net layers which are subsequently coated with a pourable plastic polyester resin or epoxy resin which is similar to an injection molding process, which the Examiner has stated is patentably distinct given the restriction requirement set forth in the present application.

Accordingly, it is respectfully submitted that Applicants' claimed invention as set forth in independent claim 1 as well as those claims which depend therefrom clearly distinguish over the teachings of Ruscito et al. and are in proper condition for allowance.

Therefore, in view of the foregoing it is respectfully requested that the objections and rejections be reconsidered and withdrawn by the Examiner, that claims 1, 2, 3, 5, 9 and 10 be allowed, that non-elected claims 6, 7, 8, 11, 12 and 13 be reentered and allowed by the Examiner as well as new claims 38 and 39 and that the application be passed to issue.

Should the Examiner believe a conference would be of benefit in expediting the prosecution of the instant application, he is hereby invited to telephone counsel to arrange such a conference.

Respectfully submitted,


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